	The Diego Pased Investigations (DDI) unit began working on Elliott Avenue in
D	The Place-Based Investigations (PBI) unit began working on Elliott Avenue in
December 2019	December and identified multiple individuals suspected of dealing drugs out of
	one or more homes on the street.
12/30/2019	LMPD arrest multiple individuals on charges of firearm and drug possession
	and drug trafficking.
	OCD meets with LMPD 1st Division Major McClinton to discuss engagement
1/17/2020	with District Resource Officers; multiple properties are discussed, including
	2424 Elliott Ave.
	Following the Dec. 30 arrests, Codes and Regulations sent a letter of notice
	to 2424 Elliott Ave.'s owner, Gerald Happle, via USPS. The initial notice
1/22/2020	stated that 2424 could be deemed public nuisance by the city if additional
	criminal activity occurs at the property. (See LMCO 156.057 CRIMINAL
	ACTIVITY AS A PUBLIC NUISANCE.)
	Mr. Happle sends letter via mail to Codes and Regulations in response to the
1/29/2020	Jan. 22 notice saying he will abate the problem and asking if there is a donation
	process for the property
0/17/0000	OCD receives email from Codes and Regulations regarding the potential future
2/17/2020	donation of 2424 Elliott Ave. to the Landbank Authority.
0/10/000	· ·
3/13/2020	LMPD arrest multiple individuals on charges of drug possession and trafficking.
	Notice of Public Nuisance Violation sent to Mr. Happle by Codes and
3/17/2020	Regulations via USPS following March 13 arrests.
	OCD receives call from Mr. Happle of 2424 Elliott Ave. asking about donation
3/18/2020	process.
3/19/2020	Donation application mailed to Mr. Happle by OCD
4/2/2020	Donation application signed by Mr. Happle
4/6/2020	Donation application received by OCD.
4/8/2020	LMPD makes arrest at the property for drug possession.
4/10/2020	Title report requested.
	\$400 Citation and Order to Vacate sent to Mr. Happle by Codes and
4/13/2020	Regulations via USPS following April 8 incident
4/23/2020	Certificate of Member form mailed. Form is needed due to ownership structure.
5/14/2020	Additional form signed by owners.
5/18/2020	Received form by OCD.
6/2/2020	JCAO reviews documents for closing, including forms, file, and draft deed.
6/4/2020	Landbank Authority Chair signs deed.
	Mr. Happle signs deed. OCD staff asks owner if property is vacant. Owner says
6/5/2020	that it is.
	Deed recorded. The property was a donation to the Landbank for which the
6/10/2020	Landbank paid the customary donation consideration of \$1. That amount is
6/19/2020	shown on page 1 of the deed. The amount shown in the consideration certificate
	is the value of the property per the PVA's assessment.
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### Acronym Dictionary

OCD = Office of Community Development, Develop Louisville, Louisville Metro Government

LMPD = Louisville Metro Police Department

JCAO = Jefferson County Attorney's Office

PVA = Property Valuation Administrator



### **Department of Codes & Regulations**

### **Property Maintenance Division**

444 S. 5th Street, Suite 200 - Louisville, KY 40202

Phone: (502)574-3156 Email: Jerimy.austin@louisvilleky.gov Web Site: www.louisvilleky.gov/government/codes-regulations

Case Number: ENF-NUIS-20-00652 Page | 1

January 22, 2020 Notice

Law Mar Inc. 6023 Six Mile Ln. Louisville, KY 40218

RE: 2424 Elliott Ave

Pursuant to LMCO 156.057(3)(a) and (C)(1)(a), this letter serves as notification that an initial report of criminal activity concerning the above referenced property has been filed with the Department of Codes and Regulations. Further violations will result in the property being deemed a public nuisance. A Public Nuisance is any premise or place where law enforcement officers have criminally cited or arrested persons or executed court issued Search Warrants for violations of the law governing Prostitution, Controlled Substances, Alcohol, or Gambling in the preceding 12 month period, or for any offense provided under KRS Chapter 218A, or where an official police report has been made. No owner of residential, commercial, or vacant property shall allow their property to be a Public Nuisance.

On 12/30/2019 at approx. 4:45pm, the following activities constituting a Public Nuisance occurred on your property:

POST-ARREST COMPLAINT

Charge 1: POSSESSION OF FIREARM BY CONVICTED FELON Charge 2: POSSESSION OF HANDGUN BY CONVICTED FELON

Charge 3: TRAFF IN CONT SUB, 1ST DEGREE, 1ST OFF - (> OR = 4 GMS COCAINE)

Charge 4: DRUG PARAPHERNALIA - BUY/POSSESS

Officer Evans #7241 and Officer Heller #7947 were conducting an investigation into narcotics activity into 2424 Elliot Ave and 2605 Muhammad Ali Blvd. The listed subject and his Co-Defts were known to be trafficking in narcotics, possession of weapons, and trafficking marijuana. A confidential informant provided officers with intelligence about how and where the subjects hid their narcotics in abandon property adjacent to their property. Upon search of all three properties, officers recovered; crack cocaine, marijuana, scale, 5 handguns (1 of which was stolen) and 3 long guns.

The Public Nuisance must be abated by **February 22, 2020**. The property owner must advise the Department of Codes and Regulations *in writing* of the measures they will take, or that will be taken, to abate the nuisance.

It shall be a defense to this violation if you have instituted eviction proceedings prior to **February 22**, **2020** against the offending tenant(s). The eviction must be completed within 75 days of commencement or as soon thereafter as court procedure allows.



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Case Number: ENF-NUIS-20-00652 Page | 2

Should you fail to agree with this Public Nuisance notice, you have the right to appeal this matter to the Louisville Metro Code Enforcement Board. To properly make your appeal, you must file a written statement listing the reasons upon which you base your appeal, with the Director of the Department of Codes and Regulations within 7 days of receipt of this notice.

Should the Public Nuisance not be abated by **February 22, 2020**, or an extension granted, Codes and Regulations is authorized at any time to issue civil penalties of not more than \$400.00 for the first offense, and not more than \$800 for subsequent offenses.

In addition to the Civil Penalty, the property owner is subject to criminal fines of not less than \$100.00 and not more than \$500.00 for the first offense and not less than \$500.00 not more than \$1,000.00 each day that a violation continues after notice has been served. Each day shall be deemed a separate offense.

Further, should the Public Nuisance not be abated, the Department of Codes & Regulations shall be authorized to issue an Order to Vacate the premises to the extent necessary to abate the Public Nuisance. This action could also result in the disconnection of the Utility Services and the use of other legal remedies available under the laws of the State of Kentucky.

Remember, your property is an important investment for you and the community at large. We urge you to take the necessary steps to abate the Public Nuisance so that no further action will be necessary. Please contact the Police District Resource Officer in which the nuisance property is located for arrest and/or investigation information and further assistance. If you have any questions regarding this notice, please contact me at 574-4304.

Thank you,

Jerimy Austin
Code Enforcement Supervisor
444 S. 5th St., 2nd Floor
Louisville, KY 40202
(502) 574-3156 - office
(502) 574-1334 - Fax
Jerimy.austin@louisvilleky.gov
http://www.louisvilleky.gov/



### **Department of Codes & Regulations**

### **Property Maintenance Division**

444 S. 5th Street, Suite 200 - Louisville, KY 40202



Phone: (502) 574-8164 or 502-574-2508 Web Site: https://louisvilleky.gov/government/codes-regulations/code-enforcement-board

Case Number: ENF-NUIS-20-00652-934250737

Page 1 of 1

2/6/2020

Property Owner
LAW MAR INC
6023 SIX MILE LN

LOUISVILLE, KY 40218-2613

**PETITIONER** 

Vs.

LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT RESPONDENT

RE: Public Nuisance Case, case number ENF-NUIS-20-00652

Pursuant to your request, you are hereby formally notified to appear before the Code Enforcement Board at 514 W. Liberty Street on Friday, March 6, 2020 at 9:30 a.m. for a public hearing in reference to the citation issued to you by a Louisville Metro Code Enforcement Officer.

The Board will receive evidence at the public hearing and will make such findings of fact and conclusions of law as are supported by the evidence pertaining to the matters alleged in the citation. During the hearing, you will have the opportunity to testify, to present witnesses, and to cross-examine any witnesses who may testify against you. Although it is not required, you may obtain an attorney, at your own expense, to represent you at the hearing.

If you fail to appear at the time and place of the hearing, you shall be deemed to have waived the right to a hearing to contest the citation, and the determination that a violation was committed shall be final. In this event, the Code Enforcement Board shall enter a decision determining that the violation was committed and may impose a civil fine up to the maximum set forth in the citation.

You may only represent yourself at a hearing before the Board. If the citation was issued to an entity such as an LLC, corporation, trust, etc., the entity must be represented by an attorney licensed in Kentucky. You may not appear on behalf of any person other than yourself without an attorney. This prohibition includes appointed executors, trustees, beneficiaries, powers of attorney, guardians and estate administrators.

Compliance does not relieve your appearance on the above date. If you have requested an appeal, you must be present. Please bring any evidence to support your position such as photographs, receipts, documents, etc. for submission into evidence.

Also, if you are in need of a translator, please contact the Code Enforcement Board administrative staff at 502-574-8164 at least one week in advance or plan to bring someone with you who can translate for you. We will do our best to accomodate your needs.



### **Department of Codes & Regulations**

### **Property Maintenance Division**

444 S. 5th Street, Suite 200 - Louisville, KY 40202



Phone: (502) 574-8164 or 502-574-2508 Web Site: https://louisvilleky.gov/government/codes-regulations/code-enforcement-board

Case Number: ENF-NUIS-20-00652-8000526888

Page 1 of 1

2/6/2020

**Appellant** 

LAW MAR INC. 6023 SIX MILE LANE LOUISVILLE, KY 40218

**PETITIONER** 

Vs.

LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT RESPONDENT

RE: Public Nuisance Case, case number ENF-NUIS-20-00652

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SERVING WARRANT FOR SPECIFY: -

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### COMMONWEALTH OF KENTUCKY

NOT ORIGINAL DOCUMENT

IN-CAR VIDEO FINGERPRINTS

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PHOTOS

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ASSIGNMENT

DISTRICT

### COMMONWEALTH OF KENTUCKY

**UNIFORM CITATION** 

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QUISVIE	Louisville Metro Property Code	Enforcemen	it Board o	f Appeals
AND COUNTY	Board Action  Agree  Property: 2424 Elliot  F-Duis-20-00652	d Order □ ⊢ Av e	No Show	×
Corn # Fr	E-DUS-20-00652			
Department of Co.	des & Regulations		Type	of Hearing:  Proper
Petitioner(s):	des & Regulations			Notice Sent: ☑ Yes ☐ Note Penalty:
Citation:  Upheld- Upheld- Upheld- During this during this during this parender Payable to Payable to Dismissed Re-inspections	Penalty- Conditional: The \$	ced To \$shall be mad	ntil / / ode of Ordinances  reet, 1st floor, Love et overify correct	is is it is in the state of the
of Ordinance	ces. If violation(s) are discoved during this period, the ass	roperty must remain in igned penalty will be i	compliance with	required Metro Louisville Code
☐ Re-docket ☐ Re-docket ☐ Cause Sho	et for Status and Appearance Required on/_  et for Total Compliance and Appearance Required on/  et for Final Review and Appearance Required on/  nown and Conditional Discharge will continue.  ot Shown and the fine of \$ is payab	// at 9:30 AM		
Violation Notice:	in the property of the propert	The state of the s		
	folation: All violations must be corrected within the timefr	ame scheduled. Work	with Code Enfor	rement Officer for compliance.
☐ Dismissed☐ Corrective penalty impos	e Action: If corrective action is required by Metro Louisvil	le to correct the violati	ion/citation, costs	of action shall be added to any
Demolition:				
☐ Upheld De ☐ Non Comp	emolition Order  Dismiss Demolition or uppliance: In the event that the Demolition Order has been uppliance that the Demolition order has been upplied and the contract for the demolities and the contract for the contract	Order Sheld by the Code Enfo	orcement Board ar	nd has not been complied with,

Code Enforcement Board Date: 3-6-20

Owner/Agent

If Applicable, See Attached Page for Findings of Fact.

All appeals must be made to Jefferson District Court within 30 days of the date of this Order.

Metro Louisville shall contract for the demolition and costs will be incurred.

☐ Conditionally Set Aside Demolition Order - Cause:



### **Department of Codes & Regulations**

**Property Maintenance Division** 

444 S. 5th Street, Suite 200 - Louisville, KY 40202



Phone: (502) 574-8164 or 502-574-2508 Web Site: https://louisvilleky.gov/government/codes-regulations/code-enforcement-board

Case Number: ENF-NUIS-20-00652-8000526888

Page 1 of 1

3/6/2020

**Appellant** 

LAW MAR INC. 6023 SIX MILE LANE LOUISVILLE, KY 40218

**PETITIONER** 

Vs.

LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT RESPONDENT

RE: Public Nuisance Case, case number ENF-NUIS-20-00652

#### **BOARD ACTION**

Pursuant to the CITATION ENF-NUIS-20-00652, for property located at 2424 ELLIOTT AVE issued by Louisville Metro for violation(s) as described in the citation/violation notice, and upon a hearing the supporting documentation, the Code Enforcement Board has made recommendation of the following action, as set out below.

Notice having been made, the Code Enforcement Board has issued the following order: PUBLIC NUISANCE VIOLATION NOTICE/UPHOLD PUBLIC NUISANCE NOTICE

The affirmed penalty above must be paid within 30 days of the Board's action. Please remit a copy of this Board Action with your payment for proper credit. All payments should be made to LOUISVILLE METRO GOVERNMENT and mailed or delivered to:

Failure to make payment will result in a lien being filed by Louisville Metro Government to secure payment of this civil penalty. Pursuant to Kentucky Revised Statute 65.8835, the violator shall be personally responsible for the amount of the lien (including fines, charges, fees and abatement cost incurred by the local government in connection with the enforcement). If a lien is filed additional charges of 15% administrative fee, lien filing fee and 18% interest is added to the amount due.

PROPERTY MAINTENANCE DIVISION

4445, FIFTH ST., SUITE 200

LOUISVILLE, KV. 40202

DEAR SIRS

WE HAVE RECEIVED NOTICE (CORY

INCLUDED) THAT PROPERTY @

2424 ELLIOTT AVE ISVA PUBLIC

NUISANCE, THE NOTICE REFERS TO

SEIZURE OF 60NS DEVES & DRUG

PARAPHERUMLIA DURING AN INSPECTION

OF SEVERAL PROPERTIES (OF WHITH

WHICH 2424 ELLIOTT AND WAS ONG

CONSECTED O'N 12-30-19-

I DISCUSSED THIS MATTER WITH

CURRENT OCCUPANTS. THEY SAID THAT

SUCH INSPECTION DID TAKE PLACE BUT

THAT MO ARRESTS WERE MADE OR

ATTE ANY ILLEGAL SUBSTANCES WERE

ROOND, THEY PWINTER INDICATED THAT

THEIR ATTORNEY WOULD BE CONTACTING

YOU ABOUT THIS MATTER

	WE HEREBY REQUEST THAT WAN
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	WORK OUT THIS MATTER,
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### **Bowling, Caitlin**

From: Grabowski, Laura

Sent:Tuesday, July 14, 2020 12:11 PMTo:Bowling, Caitlin; OBrien, JeffSubject:FW: 2424 Elliott - Public Nuisance

From: Sutton, Connie < Connie. Sutton@louisvilleky.gov>

**Sent:** Tuesday, July 7, 2020 12:51 PM

To: Grabowski, Laura < Laura. Grabowski@louisvilleky.gov>

Subject: FW: 2424 Elliott - Public Nuisance

From: Benzing, Michele < Michele.Benzing@louisvilleky.gov >

Sent: Monday, February 17, 2020 10:41 AM

**To:** Meany, Kyle < <a href="mailto:Kyle.Meany@louisvilleky.gov">Kyle.Meany@louisvilleky.gov</a>; Hanna, Kelly <a href="mailto:Kelly.Hanna@louisvilleky.gov">Kyle.Meany@louisvilleky.gov</a>; Jaynes, Joshua C. <a href="mailto:Joshua.Jaynes2@louisvilleky.gov">Joshua.Jaynes2@louisvilleky.gov</a>; Barton, Wesley A <a href="mailto:Wesley.Barton@louisvilleky.gov">Wesley.Barton@louisvilleky.gov</a>

 $\textbf{Cc:} \ \text{Austin, Jerimy} < \underline{\text{Jerimy.Austin@louisvilleky.gov}} >; \ \text{Sutton, Connie} < \underline{\text{Connie.Sutton@louisvilleky.gov}} >; \ \text{Manring, Kevin} \\$ 

< <u>Kevin.Manring@louisvilleky.gov</u>> **Subject:** 2424 Elliott - Public Nuisance

I just received a call from the owner, Mr. Gerald Happle, in response to my call regarding donating the property to Metro. Mr. Happle states the tenant, Danielle Webb, is the lessor of the property, and has lived there for approximately 18 months. He contacted the tenant to let her know of the PN notice that was received and her response was that there had been no arrests, drug activity or weapons recovered or associated with the property. I advised Mr. Happle that I was not at the property when the incident took place however there was formal evidence that exists to the contrary. Mr. Happle's approach for abating the Public Nuisance is to give the tenant a warning in writing that no further illegal activity is to occur and if it does, he will move forward with eviction. If it does escalate/occur again, he will then donate the property to Metro after evicting the tenant. Mr. Happle is going to copy our agency on the letter he is sending to the tenant and also asked for Ms. Sutton's contact info to see what the process would be if donating the property comes to fruition. This email will become a part of the file.

#### Michele S. Benzina

Code Enforcement Officer Department of Codes & Regulations 444 S. 5<sup>th</sup> Street, 2<sup>nd</sup> Floor Louisville, KY 40202 (502) 297-2994

https://louisvilleky.gov/government/codes-regulations



### **Department of Codes & Regulations**

### **Property Maintenance Division**

444 S. 5th Street, Suite 200 - Louisville, KY 40202

Phone: (502)574-3156 Email: Jerimy.austin@louisvilleky.gov Web Site: www.louisvilleky.gov/government/codes-regulations

Case Number: ENF-NUIS-20-02301 Page | 1

### March 17, 2020 Notice of Public Nuisance Violation

Law Mar INC 6023 Six Mile Ln. Louisville, KY 40218

RE: 2424 Elliott Ave.

As authorized by Chapter § 156.057 of the Louisville Metro Code of Ordinances (LMCO), the Department of Codes and Regulations has deemed the above referenced property as a public nuisance. A public nuisance is any contraband production contaminated premises or any premises where law enforcement officers have issued an official incident report, criminally cited, administratively cited, or made an arrest for any violation listed in LMCO § 156.057(A) on more than one occasion within a twelve month period. No owner of residential, commercial, or vacant property shall allow their property to be a Public Nuisance.

On 3/13/2020 at approx. 0243HRS, the following activities constituting a Public Nuisance occurred on your property:

KRS - 218A.1412 Traffic Control Substance, Cocaine

KRS - 218A.1412 Traffic Control Substance, drug unspecified

KRS – 218.1421 (2) Traffic in Marijuana, 2<sup>nd</sup> Offense

KRS - 218A.500(2) Drug Paraphernalia- Buy/ Possess

This was the 2<sup>nd</sup> qualifying offense referred to the Department of Codes and Regulations within a 12-month period. Notice of the prior qualifying offense was sent to you on **January 22**, **2020** for an offense occurring **December 30**, **2019**.

Pursuant to LMCO § 156.057, the public nuisance must be abated. Should the Public Nuisance not be fully abated by April 1, 2020, the Code Official shall be authorized at any time thereafter to issue a citation, which includes a \$400 to \$800 fine and an order closing and vacating the premises to the extent necessary to abate the public nuisance. This action may result in the disconnection of the Utility Services and the use of other legal remedies available under the laws of the State of Kentucky. In addition, LMCO § 156 provides for criminal prosecution of cases involving public nuisances.

You have the right to appeal this matter to the Louisville Metro Code Enforcement Board. To make your appeal, you must file a written statement listing the reasons upon which you base your appeal,



### **Department of Codes & Regulations**

### **Property Maintenance Division**

444 S. 5th Street, Suite 200 - Louisville, KY 40202

Phone: (502)574-3156 Email: Jerimy.austin@louisvilleky.gov Web Site: www.louisvilleky.gov/government/codes-regulations

Case Number: ENF-NUIS-20-02301 Page | 2

with the Director of the Department of Codes and Regulations within 7 days of receipt of this notice. Attached to this Notice of Violation you will find an Appeal form for this purpose.

Remember, your property is an important investment for you and the community at large. We urge you to take the necessary steps to abate the Public Nuisance so that no further action will be necessary. Please contact the Police District Resource Officer at **574-2478** in which the nuisance property is located for arrest and/or investigation information **P090854** and further assistance. If you have any questions regarding this notice, please contact me at 574-3156.

Thank you,

Jerimy Austin
Code Enforcement Supervisor
444 S. 5th St., 2nd Floor
Louisville, KY 40202
(502) 574-3156 - office
(502) 574-1334 - Fax
Jerimy.austin@louisvilleky.gov
http://www.louisvilleky.gov/



### **Department of Codes & Regulations**

### **Property Maintenance Division**

444 S. 5th Street, Suite 200 - Louisville, KY 40202

Phone: (502)574-3156 Email: Jerimy.austin@louisvilleky.gov Web Site: www.louisvilleky.gov/government/codes-regulations

Case Number: ENF-NUIS-20-02301 Page | 3

By submitting this form, you are requesting a hearing before the Property Maintenance/Nuisance Code Hearing Board. It will be mandatory that you attend the hearing. Failure to attend the hearing will result in the Code Official's action being upheld.

You will be notified by First Class Mail of the date, time and location of your hearing.

### Address of Property:

Control Number:			
Reason for Appeal:			
Your Name:			
Your Mailing			
Address:			
Your Phone Number:			

All Requests for Appeal must be submitted within 7 days of the Citation Notice
Mail your request for appeal to:
Director, Department of Codes and Regulations
Attention: Property Maintenance Division

444 S 5<sup>th</sup> St., Suite 200 Louisville, Kentucky 40202 Phone: (502) 574-8164

http://www.louisvilleky.gov/government/codes-regulations/code-enforcement-board

OFFICE USE ONLY- PostMarked Date:/	/ Mail Code:	Inspection #:
Insp. Date://Penalty Amount\$	CEO	Initials:Appeal- Pending/Denied

www.louisvilleky.gov

Your Signature:



### **Department of Codes & Regulations**

### **Property Maintenance Division**

444 S. 5th Street, Suite 200 - Louisville, KY 40202

Phone: (502)574-3156 Email: Jerimy.austin@louisvilleky.gov Web Site: www.louisvilleky.gov/government/codes-regulations

Case Number: ENF-NUIS-20-02301 Page | 4

From: Goodlett, Kelly R

Sent: Wednesday, April 8, 2020 3:27 PM

To: PublicNuisance; Metro 311
Cc: Meany, Kyle; Watkins, Joshua
Subject: 2424 Elliott Avenue - Strike 3
Attachments: Citations for Strike 3.pdf

Please see attached citations that will qualify for "Strike 3" on 2424 Elliott Avenue. The second letter was sent out on March 17, 2020.

On April 8, 2020, at approximately 1350 hours, Detectives observed a vehicle pull up in front of 2424 Elliott Avenue and both occupants went inside the residence for a short period of time. Once the vehicle left the location, Detectives conducted a traffic stop for a traffic violation (improper turn). Upon stop, Detectives observed the front seat passenger (Southers) attempting to hide his crack pipe inside a tissue. When Detectives asked Southers if he had just bought narcotics from 2424 Elliott Avenue, he stated that he didn't but that the driver (Pascual) did and she had it on her person. When Detectives confronted Pascual with this information, she admitted that Southers told her to hide it in her bra for him as they were getting stopped. Pascual retrieved a crack rock from her bra and gave it to Detectives. Both individuals were cited and charged accordingly.

On, April 4, 2020, at 0819 hours, 1<sup>st</sup> Division Officers were dispatched to the location on a call for service from a complainant that stated his 13 year old daughter was inside the location smoking crack and he wanted Officers to go inside the location and get her out for him. No report was taken for this incident; however, this is included to show the history and type of calls for this location.

Due to our ongoing investigation and the violence and significant risk to public safety associated with this property, any consideration in narrowing the time frame to seven (7) days before the property would be eligible for strike four would be greatly appreciated.

Thank you,

Detective Kelly Goodlett Criminal Interdiction Division – PBI 502-544-0864

### LAW OFFICES OF KENNETH C. PLOTNIK

Attorney at Law

KENNETH C. PLOTNIK

1398 South First Street Louisville KY 40208

PHONE: 502-836-5185

Email: kennethplotnik@yahoo.com

March 21, 2020

Ms. Nina Webb and All Occupants 2424 ELLIOTT AVENUE LOUISVILLE KY 40211 See Case # ENF-NUIS-20-02301

Certified and Regular Mail# 7015 3010 0002 2065 8875

Dear Ms. Webb and occupants:

Re: 14 DAY NOTICE TO VACATE 2424 ELLIOTT AVENUE

Please be advised that I represent your landlord, Law-Mar, Inc. and its principal, Mr. Gerald Happle. As I understand it, you have a month to month lease on 2424 Elliott Avenue. Pursuant to the Uniform Landlord Tenant act it is a violation of all rental agreements in Jefferson County to allow rented premises to become public nuisances or to conduct unlawful activity at or upon the rented property.

In January 22, 2020 your landlord received a notice from the Jefferson County Department of Codes and Regulations advising that on December 20, 2019 there was trafficking in controlled substances at or about 2424 Elliott Avenue and that such activity must immediately be stopped. My client wrote you a letter on February 18, 2020 that if you continued to allow 2424 Elliott Avenue to be utilized for drug transactions your rental agreement would be terminated and you would be evicted.

You apparently decided to ignore this warning. On March 17, 2020 your landlord was again informed by the Jefferson County Department of Codes and Regulations that on March 13, 2020 trafficking in controlled substances was again occurring on or about 2424 Elliott Avenue.

This letter is notice to you that your rental agreement for 2424 Elliott Avenue is being terminated and that you are required to vacate 2424 Elliott Avenue, Louisville Kentucky 40211 within the next fourteen (14) days. If you fail to

vacate within that time my client will then seek your eviction in Jefferson District Court.

Yours Truly,

Kenneth C. Plotnik

Cc: Mr. Gerald Happle, Law-Mar, Inc.

Mr. Jerimy Austin, Department of Codes and Regulations Case #ENF-NUIS-20-02301

Law-Mar14dayWebb.032120



### **Department of Codes & Regulations**

### **Property Maintenance Division**

444 S. 5th Street, Suite 200 - Louisville, KY 40202

Phone: (502)574-3156 Email: Jerimy.austin@louisvilleky.gov Web Site: www.louisvilleky.gov/government/codes-regulations

Case Number: ENF-NUIS-20-03125 Page | 1

### April 13, 2020 Citation and Order to Vacate

Law Mar INC 6023 Six Mile Ln. Louisville, KY 40218

RE: 2424 Elliott Ave

A Public Nuisance Violation Notice was sent to you on **March 17**, **2020** concerning the address listed above that deemed the property a Public Nuisance as authorized by Chapter 156.057 of the Louisville Metro Code of Ordinances. Due to the non-abatement of the violation and your failure to appeal, a civil penalty has been assessed for \$400.00.

the following activities constituting a Public Nuisance occurred on your property:

3/13/2020- P090854 LMPD report number

KRS - 218A.1412 Traffic Control Substance, Cocaine

KRS - 218A.1412 Traffic Control Substance, drug unspecified

KRS – 218.1421 (2) Traffic in Marijuana, 2<sup>nd</sup> Offense

KRS - 218A.500(2) Drug Paraphernalia- Buy/ Possess

4/8/2020- P121144 LMPD report number

KRS - 218A1415 Possession Controlled Substance 1st degree

Should you fail to agree with this Public Nuisance Citation, you have the right to appeal this matter to the Code Enforcement Board. To properly make your appeal, you must file a written statement listing the reasons upon which you base your appeal, with the Director of the Department of Codes and Regulations, at 444 S. 5t Street, Suite 200, Louisville, KY 40202, within 7 days of receipt of this notice.

If you elect not to appeal this Citation payment of the \$400 fine is due immediately. If payment is not received by the Department of Codes & Regulations, a lien bearing interest at 18% per annum will be filed against your property for the amount of the civil penalty plus all associated administrative and lien filing costs.

To pay with your credit card or debit card: call (502) 574-3430 right now. You can also mail a check or money order payable to "Louisville Metro Government" to:

Accounts Receivable
Attention: Citation Letter Case #



### **Department of Codes & Regulations**

### **Property Maintenance Division**

444 S. 5th Street, Suite 200 - Louisville, KY 40202

Phone: (502)574-3156 Email: Jerimy.austin@louisvilleky.gov Web Site: www.louisvilleky.gov/government/codes-regulations

Case Number: ENF-NUIS-20-03125 Page | 2

611 W Jefferson Street, 1st Floor Louisville, KY 40202

If you fail to pay the civil fine set forth in the citation or contest the citation within the time allowed, you shall be deemed to have waived the right to a hearing before the Code Enforcement Board or hearing officer to contest the citation. The determination that the violation was committed shall be final. The citation as issued shall be deemed a final order determining that the violation was committed and imposing the civil fine as set forth in the citation. You shall be deemed to have waived the right to appeal the final order to Jefferson District Court.

Should the Public Nuisance not be abated by April 20, 2020, or an extension granted, Codes and Regulations shall be authorized at any time to issue additional civil penalties of not more than \$800.00 for subsequent offenses. Each day that a violation continues after a citation has been issued or notice has been served shall be deemed a separate offence.

As this Public Nuisance has not been abated, the Department of Codes & Regulations is authorized to issue an Order to Vacate the premises to the extent necessary to abate the Public Nuisance. This action could also result in the disconnection of the Utility Services and the use of other legal remedies available under the laws of the State of Kentucky.

Remember, your property is an important investment for you and the community at large. We urge you to take the necessary steps to abate the Public Nuisance so that no further action will be necessary. Please contact the Police District Resource Officer in which the nuisance property is located for arrest information and further assistance. If you have any questions regarding this notice, please contact me at 574-3156.

Thank you,

Jerimy Austin
Code Enforcement Supervisor
444 S. 5th St., 2nd Floor
Louisville, KY 40202
(502) 574-3156 - office
(502) 574-1334 - Fax
jerimy.austin@louisvilleky.gov
http://www.louisvilleky.gov/



### **Department of Codes & Regulations**

### **Property Maintenance Division**

444 S. 5th Street, Suite 200 - Louisville, KY 40202

Phone: (502)574-3156 Email: Jerimy.austin@louisvilleky.gov Web Site: www.louisvilleky.gov/government/codes-regulations

Case Number: ENF-NUIS-20-03125 Page | 3

By submitting this form, you are requesting a hearing before the Property Maintenance/Nuisance Code Hearing Board. It will be mandatory that you attend the hearing. Failure to attend the hearing will result in the Code Official's action being upheld.

You will be notified by First Class Mail of the date, time and location of your hearing.

Address of Property: Control Number: Reason for Appeal:  Your Name: Your Mailing		
Reason for Appeal:		
our Name:		
our Name:		
our Mailing		
Address:		
our Phone Number:		
our Signature:		
All Requests f	or Appeal must be submitted within 7 days of the Citation Notice	
	Mail your request for appeal to: Director, Department of Codes and Regulations	
	Attention: Property Maintenance Division	
	444 S 5th St., Suite 200	
	Louisville, Kentucky 40202 Phone: (502) 574-8164	
http://www.louis	villeky.gov/government/codes-regulations/code-enforcement-boa	rd
	Date:// Mail Code: Inspection #: Amount\$ CEO Initials: Appeal- Pending/I	



# Submit completed form to: Office of Community Development DEVELOP LOUISVILLE 444 South Fifth Street, 5th Floor Louisville, KY 40202

Office: 502-574-4016

You may also submit this form via email: vapstat@louisvilleky.gov, or fax: (502) 574-4199

## FOR THE DONATION OF REAL PROPERTY TO THE LOUISVILLE AND JEFFERSON COUNTY LANDBANK AUTHORITY, INC.

Please read each question carefully and answer as accurately as possible. Real property cannot be donated to the Landbank Authority if occupied either legally or illegally or used by any person or persons.

PROPERTY INFOR	MATION:		
PROPERTY ADDRESS	2424 Elliott Avenue		001G-0088-0000
		reet	Parcel ID # (if known)
	Louisville, Kentucky		40211
	City	, State	Zip Code
Is the property a vacant	lot or does it have a structure?	VACANT LOT	STRUCTURE
OWNER INFORMA	TION:		
FULL NAME:	Law Mar, Inc.		
1 ODD NAME.	First	Middle	Last
ADDRESS:	6 <i>o</i> とう c/o Gerald R. Happle, <del>6028</del> S	=	
ADDICESS.	Street		Apt/Suite #
	Louisville, KY		40218
	City, State		Zip Code
PHONE NUMBER:	(502) 491-2301		
THONE NOWIDER.	Primary Phone #	Alternate Pho	ne#
EMAIL ADDRESS:			
1. Property Owner's Ma	arital Status: SINGLE	MARRIED	
2. If the Property Owne	r is "Married", please provide Spo	ouse's full name:	
THE PM AT MY W SHAREHOL	PERTY WAS IFE'S DEATH DERS AUS P	ONE'S Last Will and Testam  WMBD RY  SHEKE W  WAS TAR 12	ERB THE DALY  WHE TO
ARR SHAR	やり		

FULL NAME:	Same as above		
	First	Middle	Last
ADDRESS:	6023 SIX MILE	LW.	
	Street SIX MILE	***************************************	Apt/Suite #
	LOUISVILLE, KY.		40718-7613
	City, State		Apt/Suite #  #PZLP-TLe L3  Zip Code
PHONE NUMBER:	502-4917230 [ Primary Phone #		
	Primary Phone #	Alternate Phone #	
EMAIL ADDRESS:			
Note: If you are not the	December O		** · · · · · · · · · · · · · · · · · ·
Hote: 11 you are not the	Property Owner, please attach proof that you	have legal authority to repre	esent them.
<b>DONATION INFOR</b>	MATION:		
1. Are you aware of a	ny debts, liens, sold property taxes, contrac	cts lawsuite governmental	
administrative action	ns, or other circumstances that might clou	id title to this property or	YES NO NO
	nveying a clear, unencumbered title with cov	enant of general warranty?	
If "YES", please give	e details in the space provided below:		
2. Why do you want to	donate property to the Landbank Authority	? Check all that apply.	
Financially una	able to maintain property Inheri	ited Property 🔲 💮 L	ive out of town
	·	• •	-
INC	Use for Property X Physics	ally unable to maintain pro	perty 🔲
3. Is there any other in	formation that might be helpful to complete t	the donation of this parcel to	Metro I ouisville and its I andbonk
Authority? Please g	ive details in the space provided below.	v. mo parcor to	THE COURT HE AND IS LANGUAUK
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1 AM	UMWARE OF AL	M CHENZ	er any
KIND AE	ALWST THE POOPE	erti	
	LAW-MAR, IN		
APPLICANT'S SIGNAT	URE: DY FRIENDUR HOY	and Ram Date	4-2-20
	Y	11	

7.5

**APPLICANT INFORMATION:** 



### **Bobbie Holsclaw**

### Jefferson County Clerk's Office

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Jefferson County Clerk's Office.



INST # 2020114902 BATCH # 234139

JEFFERSON CO, KY FEE \$46.00 STATE OF KY DEED TAX \$17.50

PRESENTED ON: 06-19-2020 0 10:29:52 AM

LODGED BY: DEVELOP LOUISVILLE VPPA, CONNIE SUTTON

RECORDED: 06-19-2020 10:29:52 AM

**BOBBIE HOLSCLAW** 

CLERK

BY: RAY BENSON LEGAL RECORDS

BK: D 11713 PG: 662-666 SEND TAX BILL TO: Louisville and Jefferson County Landbank Authority, Inc. 444 South Fifth Street, Suite 500 Louisville, KY 40202-2332

### GENERAL WARRANTY DEED

### WITNESSETH:

For good and valuable consideration of **One Dollar (\$1.00)**, and other good and valuable consideration recited below, the Grantor does hereby bargain, sell, grant, and convey unto the Grantee, **in fee simple**, with covenant of **GENERAL WARRANTY**, the following described real estate located in Jefferson County, Kentucky:

Street Address	PVA Tax Parcel No.
2424 Elliott Avenue	02-001G-0088-0000

BEGINNING on the South side of Elliott Avenue 254 feet West of 24<sup>th</sup> Street; thence Westwardly along the South side of Elliott Avenue, 36 feet, and extending back Southwardly, between lines parallel with 24<sup>th</sup> Street, the Eastern line measuring 114 feet and the Western line measuring 115 feet to an alley.

BEING the same property conveyed to Law-Mar, Inc., by Deed dated October 21, 2004, of record in Deed Book 8511, Page 781, in the Office of the Clerk of Jefferson County, Kentucky.

To have and to hold forever all of the above-described real property, together with all the rights, privileges, appurtenances, and improvements thereunto belonging.

As part of the consideration paid for the purchase of this property, the Grantee agrees to comply with all applicable environmental laws and regulations with respect to its use of the property.

### DEED Book 11713 Page 664

The Grantor covenants that it is lawfully seized of the estate hereby conveyed, that it has full right and power to dispose of same, and that the property is free of all liens and encumbrances, except liens, easements, restrictions and stipulations of record and governmental laws and regulations affecting the property and taxes due and payable.

IN TESTIMONY WHEREOF, witness the signature of the Grantor the day and year first above written.

**GRANTOR:** 

LAW-MAR, INC.

Gerald R. Happle, President

### **CONSIDERATION CERTIFICATE**

Grantor and Grantee hereby swear and affirm, under penalty of perjury, that the Consideration recited in this instrument is the full actual consideration paid or to be paid for the property transferred hereby. The estimated fair market value of the property herein conveyed, per the 2019 assessment of the Jefferson County Property Valuation Administrator, is \$17,160.00.

**GRANTOR:** 

**GRANTEE:** 

LAW-MAR, INC.

LOUISVILLE AND JEFFERSON COUNTY

LANDBANK AUTHORITY, INC.

### DEED Book 11713 Page 665

COMMONWEALTH OF KENTUCKY COUNTY OF JEFFERSON	) ) SS: )
certify that on this 57 day of foregoing consideration certificate were ac Gerald R. Happle, President of Law-Mar	in and for the State and County aforesaid, do hereby 2020, the foregoing instrument and the knowledged, subscribed, and sworn to before me by r, Inc., a Kentucky corporation, Grantor herein, to be rporation as authorized by a May 14, 2020 corporate reto and made a part of this document.
My Commission expires: 9-19-2	NOTARY PUBLIC, State-at-Large, KY
COMMONWEALTH OF KENTUCKY COUNTY OF JEFFERSON	) ) SS: )
certify that on thisday of certificate was acknowledged, subscribed, Chairman of the Louisville and Jefferson	in and for the State and County aforesaid, do hereby 2020, the foregoing consideration and sworn to before me by William P. Schreck, as n County Landbank Authority, Inc., a public body deed on behalf of the corporation, Grantee herein.
My Commission expires: 9-19	- 202 Hotary ID: 5/96/9
	NOTARY PUBLIC, State-at-Large, KY
This Instrument Prepared By:	
MICHAEL J. O'CONNELL JEFFERSON COUNTY ATTORNEY	
By: Atephanie Malone Assistant Jefferson County Attorney 531 Court Place, Suite 900 Louisville, Kentucky 40202 (502) 574-3066	Linette Huelsman Notary Public, ID No. 519619 State at Large, Kentucky Ny Commission Expires on Sept. 19, 2022

### CERTIFICATION AND BOARD OF DIRECTOR'S RESOLUTION

### LAW-MAR, INC.

The undersigned being all of the Directors of Law-Mar, Inc., a Kentucky corporation ("Corporation"), certify to the Louisville and Jefferson County Landbank Authority, Inc. ("Landbank") that:

- 1. <u>Resolution</u>. The Directors of the Corporation hereby consent to the execution by Gerald R. Happle in the name of the Corporation a Deed for the transfer of the real property known as 2424 Elliott Avenue, Louisville, Kentucky 40211.
- 2. No prior consent of any individual or entity not a party to this Certification and Resolution is required for this Certification and Resolution to be effective.

The undersigned hereby confirm the above Resolution and execute this document in their capacity as Directors of the Corporation. Gerald R. Happle, President and Jill Mayer, Secretary, hereby confirm that the persons signing below are all of the Directors of the Corporation and have full power to purchase or transfer the real estate referred to above and that the Directors of the Corporation have consented to the purchase or transfer of the property as stated in the Resolution above.

IN WITNESS WHEREOF, the undersigne day of, 2020.	d have hereunto subscribed their name(s) on the
SHERRILL FERGUSON	SERALO R. HAPPLE
Juli Mayer Director SILL MAYER	Director
SICL MAYER	h

. ...... (\$42) 574 4446 E.A.A. . . . .

LAN PRIME OUT.

. 11 A. A. (502) 574-1016 FAALL DOLL